

# **GUIDANCE ON COMPLETING STANDARD CLAIMS FORMS**

July 18, 1997

Dear Claimant:

To help speed up the processing of your claim, the National Pollution Funds Center (NPFC) has created this guide on "Submitting Proof of Claim" to provide a clearer understanding of the information needed to accurately fill out the Standard Claim Form found in the Claimant's Information Guide. This supplement is intended to help you identify and provide the type of information and evidence used by the NPFC in the adjudication of particular claims. Referring to this supplemental form will help you to better demonstrate a compensable loss and will assist you when preparing the claim form. This supplement is a guide only and does not need to be sent in with your completed standard claim form.

Any additional questions you may have concerning the nature, quality or quantity of information and evidence necessary to demonstrate a compensable loss may be directed to the NPFC by calling 1-800-280-7118, or by writing us at the National Pollution Funds Center, 4200 Wilson Boulevard, Suite 1000, Arlington, VA 22203-1804.

Irving A. Pianin  
Chief, Claims Division

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Provide the items below to document your claim; use cost data in effect at the time of the incident.

## REMOVAL COSTS

### A. STATE GOVERNMENT

1. **EVIDENCE OF INCIDENT:** (Provide one or more of the following.)
  - a. On Scene Commander's (OSC) report or justification why there is no OSC report.
  - b. Information on when you notified the Coast Guard or EPA and with whom you talked.
  - c. Newspaper reports describing the incident (contemporaneous not historical.)
  - d. Witness statement(s) concerning the spill.
2. **GENERAL INFORMATION:**
  - a. A detailed description of actions taken.
  - b. A letter, signed by the head of your government (State Governor, Mayor, etc.), granting the person who signed this claim the authority to bind the government in a settlement; OR,
  - c. A copy of letter previously filed with NPFC with signature of the head of government or the individual showing authorization to sign such claims.
  - d. Analysis of substance spilled showing that it was oil, and that it was not contaminated with CERCLA substances.
  - e. Complete investigation file on identity of responsible party (RP).
  - f. Map of area impacted and/or sufficient description to clearly describe the threat to navigable waters.
  - g. Report from the FOSC that actions were necessary, appropriate and consistent with the NCP.
3. **CONTRACTOR COSTS:**
  - a. Delivery tickets, receipts, invoices, or similar records with descriptions of work performed and daily break-down of activities and costs.
  - b. Paid invoices for subcontractors and materiel suppliers.
  - c. Invoices from and proof of payment to responsible parties, state and local governments, anyone else who might have carried some of the cost of the removal.
  - d. Basis for Comparison of rates charged.
  - e. Rates of any negotiated, open contract between the state and the Contractor.
  - f. Contractor's published rates with proof that they have actually charged these rates in the past.
  - g. Signed disposal manifests and proof of payment for disposal.
4. **GOVERNMENT LABOR AND EQUIPMENT RATES:**
  - a. Payroll verification of the hourly rate the government paid its personnel at the time of the incident.
  - b. Verification of the standard government equipment and maintenance rates for the equipment used at the time of the incident; OR,
  - c. Signed and dated contemporaneous records of the incident which include the hourly rates for labor and equipment. The date on the records should be within the time of the response to the incident. (Total cost of the state response set out in contemporaneous records must match the claim amount.)
  - d. Explain whether the rates given are inclusive of benefits, overhead, etc. (If the rates do include these amounts, an explanation of the formula used to calculate them must be provided, along with evidence that these overhead rates are charged to other parties.) Rates under OMB A-87 should be provided.
  - e. Certification that the rates used reflect actual costs incurred by the government and do not include any punitive damages or fees.

**B. Other Governments**

1. Same as above except that justification that is supported by existing data provided by State Governments is acceptable. (i.e. Local governments and municipalities need not provide data to show that the substance was oil, provided the State Government has already done so.)

**C. ALL others**

1. Provide as much of the above data as is possible.
  - a. Include detailed account of circumstances and reasoning that led to removal efforts.
  - b. Replace the word “government” as used above with the words: “your company, firm or business.”
  - c. Disregard item 2.b. regarding “prior signature authorization.”

Provide the items below to document your claim; use cost data in affect at the time of the incident.

## **DAMAGE TO PERSONAL PROPERTY**

### **A. ALL**

1. **EVIDENCE OF INCIDENT AND DAMAGE:** (Provide one or more of the following.)
  - a. A description of the incident.
  - b. Copy of title or license for the property, in their own name.
  - c. Pictures or videotape of the damage, if available.
  - d. Pictures or statements from witnesses that the property was within the area impacted by the oil spill. (May be shown by marina records or other contemporaneous business records showing the location of the property at the time of the spill.) If available, pre-spill and post-spill photos should be provided.
2. **GENERAL INFORMATION:**
  - a. Two estimates of the activities / costs required to repair or replace damaged property; OR
  - b. Copies of paid bills for repair or replacement of damaged property.
  - c. An accounting of all those expenses you did not incur because you were unable to use the property (i.e. saved expenses).
  - d. If the property is leased by you, a copy of any rental or charter agreements applicable to the property.
  - e. A copy of any rental agreement or other agreement you may have entered to obtain substitute property to use while your property was damaged.
  - f. Copies of receipts or bills for all extra expenses incurred by use of substitute property.

## **DAMAGE TO REAL PROPERTY**

### **A. ALL**

1. **EVIDENCE OF INCIDENT AND DAMAGE:** (Provide one or more of the following.)
  - a. A description of the incident.
  - b. Copy of your lease or deed to the property in question showing your interest in the real property.
  - c. Pictures or videotape of damage, if available.
  - d. Maps or legal documents describing the location to show that the property was within the area impacted by the oil spill.
  - e. Pre-spill and post-spill property appraisals.
2. **GENERAL INFORMATION:**
  - a. Two estimates setting out the activities and cost necessary to repair the damage; OR
  - b. Copies of paid bills for repair of damage.
  - c. Comparison of the costs to other reasonable and comparable repairs conducted in the general area of the spill.
  - d. Any property appraisals MUST meet the following standards
    - (1) Be done to professional standards.
    - (2) Contain sufficient information to show that the decrease in value is attributable to the spill rather than market conditions.
    - (3) Address the general economic trend in relevant real estate markets before and after the spill.
    - (4) Address the amount of time before the real estate will regain any loss in value attributable to the spill.
  - e. If applicable, evidence that the property was "on the market" at time of spill.
  - f. An accounting of all those expenses you did not incur because you were unable to use the property. (i.e. saved expenses)

- g. A copy of rental agreements and/or leases for any substitute property which had to be utilized while your property was unavailable.
- h. Copies of receipts or bills for all extra expenses incurred by use of substitute property.

Provide the items below to document your claim; use cost data in affect at the time of the incident.

## **LOSS OF SUBSISTENCE USE OF NATURAL RESOURCES**

### **A. ALL**

1. **EVIDENCE OF INCIDENT:** (Provide one or more of the following.)
  - a. A report from Federal On Scene Coordinator (federal government official in charge of environmental issues in the region) or justification why there is no FOSC report.
  - b. Information that you notified the Coast Guard or Environmental Protection Agency, when you made the notification, to whom you made the notification.
  - c. A report from the State or Federal natural resource trustee.
  - d. Newspaper reports describing the incident which ran contemporaneously with incident.
  - e. Witness statement(s) concerning the spill.
  - f. Pictures of damaged property.
2. **GENERAL INFORMATION:**
  - a. A statement identifying each natural resource on which you subsist and a description of how you use it.
  - b. A statement from a federal or state Natural Resource Trustee of how and to what extent subsistence use was affected by injury to or loss of natural resources.
  - c. A certification from a Native American tribe that you are a bona fide user of natural resources for subsistence.
  - d. If applicable, statements from witnesses that you are a bona fide user of natural resources for subsistence.
  - e. A description of any efforts you made to mitigate your losses.
  - f. A description of any alternate sources or means of subsistence available to you and whether and how you utilized these sources.
  - g. A breakdown of costs associated with alternative sources or means of subsistence - receipts from stores, purchases of goods, etc.

Provide the items below to document your claim; use cost data in affect at the time of the incident.

## LOST PROFITS AND EARNINGS CAPACITY

### A. Employee Losses

1. **EVIDENCE OF INCIDENT:** (Provide one or more of the following.)
  - a. A report from Federal On Scene Coordinator (federal government official in charge of environmental issues in the region) or justification why there is no FOSC report.
  - b. Information regarding any notification of the Coast Guard or Environmental Protection Agency, when you made the notification, to whom you made the notification.
  - c. If applicable,, any report from the State or Federal natural resource trustees.
  - d. Newspaper reports describing the incident, particularly those describing adverse business impact.
  - e. Pictures of damaged property.
2. **GENERAL INFORMATION:**
  - a. A statement from you as to how the oil spill led to the loss of income or earning.
  - b. An affidavit from your employer stating that you did not work during the period claimed or that your income was reduced during the period claimed due to the oil spill and stating whether the business has or will file a claim for lost profits due to the spill.
  - c. Copies of your pay stubs, receipts, etc. for your pay before, during, and after the incidents.
  - d. Personnel records from your employer showing how many employees were employed before and during the spill and which were retained or hired after the spill.
  - e. A description of your efforts to mitigate loss, including copies of letters, records of State Employment Office, etc. which show that you made a good faith search for employment after losing your job. Should include details of your job hunting experience, including any job offers made during the time period claimed.
  - f. Copies of receipts of any expenses incurred in job hunting.
  - g. Signed copies of Income Tax Returns and schedules for at least two years prior to the spill.
  - h. Details of any employment expenses not incurred during the period being claimed (e.g. commuting costs, etc.).
  - i. Copies of pay stubs from any substitute or alternative employment taken during the time of the spill.
  - j. Copies of receipts of any expenses incurred in obtaining and maintaining any alternative employment.



**B. Generic Business; Hotels and Motels**

1. **EVIDENCE OF INCIDENT:** (Provide one or more of the following.)  
Same as paragraph A.1. above.
2. **GENERAL INFORMATION:**
  - a. A description of business lost due to oil spill and documentation supporting any such loss.
  - b. Copies of any agreements and copies of letters of cancellation resulting directly from the spill.
  - c. Maps or other description of the area to show that your business was in the area impacted by the spill.
  - d. Copies of monthly, interim and annual financial statements for at least two years prior to the spill and the year of the spill.
  - e. Signed copies of Income Tax Returns and schedules for at least three years prior to the spill.
  - f. Details on efforts to mitigate losses or reasons why this was not feasible.
  - g. A statement from you as to how the oil spill led to the loss of income or earning capacity and statements from any witnesses you may have. If applicable, please explain earnings anomalies.
  - h. Daily and monthly occupancy information for two years prior to the spill and the year of the spill.

**C. Retail Business**

1. **EVIDENCE OF INCIDENT:** (Provide one or more of the following.)  
Same as paragraph A.1. above.
2. **GENERAL INFORMATION:**
  - a. A description of business lost due to oil spill and supporting documentation.
  - b. A statement from you as to how the oil spill led to the loss of income or earning capacity.
  - c. Maps or other description of the area to show that your business was in the area impacted by the spill.
  - d. Copies of monthly, interim and annual financial statements for at least two years prior to the spill and the year of the spill.
  - e. Signed copies of Income Tax Returns and schedules for at least three years prior to the spill
  - f. Details of your efforts to mitigate losses or reasons why this was not feasible.
  - g. If applicable, please explain any earnings anomalies.

#### **D. Fishing / Marine Charters**

1. **EVIDENCE OF INCIDENT:** (Provide one or more of the following.)  
Same as paragraph A.1. above.
2. **GENERAL INFORMATION:**
  - a. A description of business lost due to oil spill and supporting documentation.
  - b. A statement from you as to how the oil spill led to the loss of income or earning capacity.
  - c. Maps or other descriptions of the area to show that your business was in the area impacted by the spill.
  - d. Evidence that the vessel(s) which are the subject of the claim were in the area impacted by the spill and were unable to carry on their business because of the spill.
  - e. Copies of monthly, interim and annual financial statements for at least two years prior to the spill and the year of the spill.
  - f. Signed copies of Income Tax Returns and schedules for at least three years prior to the spill.
  - g. Details of any expenses not paid out by business during the period being claimed.
  - h. Booking records for three years prior to the spill and the year of the spill.
  - i. List of published and/or non-published charter rates, especially rates for any services (such as sport fishing) that the business specializes in.
  - j. Copies of any logs relating to boating activities for the year prior to the spill and the year of the spill.
  - k. Registration documents for the vessel for which claim is made, copies of business license, vessel license, fishing license or permit, and the captain's license
  - l. Details of efforts to mitigate losses or reasons why this was not feasible.

# LOSS OF GOVERNMENT REVENUE

## A. State or Local Government

1. **EVIDENCE OF INCIDENT:** (Provide one or more of the following.)
  - a. Report from Federal On Scene Coordinator (federal government official in charge of environmental issues in the region) or justification why there is no FOSC report.
  - b. Information regarding any notification of the Coast Guard or Environmental Protection Agency, when you made the notification, to whom you made the notification.
  - c. If applicable, any reports from the State or Federal natural resource trustees.
  - d. Newspaper reports describing the incident which ran contemporaneously with incident.
  - e. Witness statement(s) concerning the spill.
  - f. Pictures of damaged property, if applicable.
2. **GENERAL INFORMATION:**
  - a. A letter, signed by the head of your government (State Governor, Mayor, etc.), granting the person who signed this claim the authority to bind the government in a settlement OR a claim signed by the head of government or by the individual already authorized to sign such claims in a letter previously filed with the NPFC.
  - b. A narrative description of what revenues were impacted and how the spill caused a loss of revenues.
  - c. A copy of all investigative files into the identity of the part responsible for the spill.
  - d. Copies of statutes, regulations, ordinances, etc. outlining the applicable authority to raise such revenues, property affected, method of assessment, rate of assessment, and method and dates of collection of assessment.
  - e. Government financial reports showing total assessment or revenue collected for comparable periods.
  - f. Details of any expenses not paid out by government during the period being claimed.
  - g. Details and explanation of net loss of revenue.

# **COST OF INCREASED PUBLIC SERVICES**

## **A. State or Local Government**

1. **EVIDENCE OF INCIDENT:** (Provide one or more of the following.)
  - a. Report from Federal On Scene Coordinator (federal government official in charge of environmental issues in the region) or justification why there is no FOSC report.
  - b. Information regarding any notification of the Coast Guard or Environmental Protection Agency, when you made the notification, to whom you made the notification.
  - c. If applicable, any reports from the State or Federal natural resource trustees.
  - d. Newspaper reports describing the incident which ran contemporaneously with incident.
  - e. Witness statement(s) concerning the spill.
2. **GENERAL INFORMATION:**
  - a. A letter, signed by the head of your government (State Governor, Mayor, etc.), granting the person who signed this claim the authority to bind the government in a settlement OR a claim signed by the head of government or by the individual already authorized to sign such claims in a letter previously filed with the NPFC.
  - b. Reports showing that the increased public services were required due to the discharge, specifying if the increased services were due to fire, safety, or health hazards.
  - c. Detailed description of what increased services were necessary and why, including a distinction between removal activities, safety acts, and law enforcement acts, and a statement regarding whether the increase was actually incurred or was due to a diversion of resources normally available.
  - d. Daily reports of the activities of the government personnel and equipment involved.
3. **GOVERNMENT LABOR AND EQUIPMENT RATES:**
  - a. Payroll verification of the hourly rate the government paid its personnel at the time of the incident.
  - b. Verification of the standard government equipment and maintenance rates for any equipment claimed; OR,
  - c. Signed and dated contemporaneous records of the incident which include the hourly rates for labor and equipment. (The date on the records should be within the time of the response to the incident.)
  - d. An explanation from the state as to whether the rates given are inclusive of benefits, overhead, etc. If the rates do include these amounts, an explanation of the formula used to calculate them must be provided. Rates under OMB A-87 should be provided.
  - e. A certification that the rates used reflect actual costs incurred by the government and do not include any punitive damages or fees.

## **SPECIAL NOTICE**

**“Under federal law, and subject to certain exceptions, the government may be required to release documents to the general public upon request. Documents submitted in support of your claim should be clearly marked ‘confidential’ if you believe they may be withheld by the government from production to the general public (e.g. certain trade secrets, certain commercial or financial information, certain personal privacy information). The government makes no assurance or representation that all documents marked ‘confidential’ by you will be exempt from disclosure under federal law.”**

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For any questions or comments, please contact us immediately at:

**1-800-280-7118**

or write to us at:

NATIONAL POLLUTION FUNDS CENTER  
Claims Adjudication Division  
4200 Wilson Boulevard  
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# FUNDING A CLEANER ENVIRONMENT